

TO: Judge Leonard B. Sand COMPANY:

**MEMO ENDORSED**

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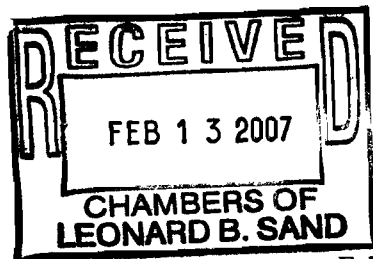
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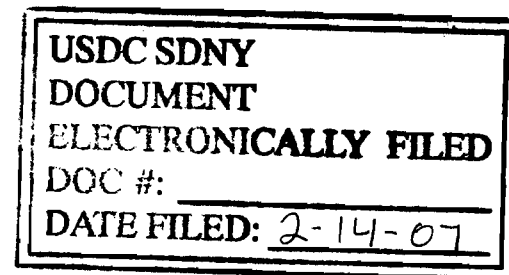


February 13, 2007

OUR REF: 470-06/DPM/PLS

VIA FACSIMILE: 212-805-7919

The Honorable Leonard B. Sand  
 United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007



Re: Mountiko Marine Co. Ltd. v. Forbes Gokak Ltd.  
 06-CIV-13267 (LBS)

Dear Judge Sand:

We represent Plaintiff Mountiko Marine Co. Ltd. ("Mountiko") and write to request an adjournment of the Initial Conference currently scheduled for February 15, 2007 at 9:45 a.m. This is our first request for such relief.

This matter involves a claim by Mountiko against Forbes Gokak Ltd. ("Forbes") for breach of a maritime contract of charter party. Mountiko's Verified Complaint included a request for an attachment pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure, and contemporaneously with the filing of the Verified Complaint, Mountiko applied for relief pursuant to Rule B, which was granted *ex parte* on November 17, 2006.

Mountiko has been successful in restraining funds of Forbes for which Forbes has been notified. The parties are discussing settlement, and we are no longer serving daily notice of the attachment while they parties continue to do so. Our understanding through overseas solicitors is that the terms of the settlement have been agreed to in principle, but that all conditions of the settlement agreement have not yet been finalized. We anticipate the matter will be resolved in the next 30 days. For this reason, a conference would be of little benefit to the Court or moving the proceedings along and we respectfully request that the Initial Conference be adjourned for 45

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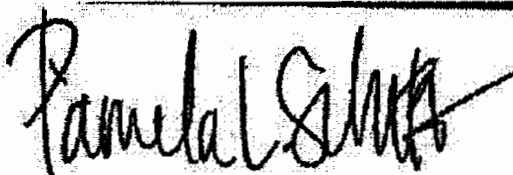
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to 60 days, with the hopes that we will have dismissed the matter by that time. Forbes has no objection to this request.

We thank the Court for its consideration of this request.

Respectfully submitted,

FREEHILL HOGAN & MAHAR LLP



Pamela L. Schultz

*Conference adjourned as requested.  
The Court will advise parties of the  
adjourned date.*

*So ordered*



*2/13/07*

**MEMO ENDORSED**